

**SEC. 429.1 - FH, FLOOD HAZARD DISTRICT**

(Established by Ord. No. O-7475-48 -- July 8, 1975; amended by O-7778-28 -- May 2, 1978; O-7778-34 -- May 9, 1978; O-7778-71 -- June 27, 1978; O-8081-25 -- January 6, 1981; O-8586-81 - June 3, 1986; O-8687-57 - April 28, 1987; O-8889-34 -- February 28, 1989; O-9697-38 -- March 11, 1997; O-0203-52 -- June 24, 2003; O-0405-22 -- November 16, 2004; O-0405-23 -- November 16, 2004; O-0607-39 -- May 22, 2007; O-0607-55 -- June 12, 2007; O-0809-3 -- August 12, 2008; O-1213-25 -- January 8, 2013; O-1617-34 -- May 23, 2017; O-1617-38 -- June 26, 2017; O-2021-10 -- January 7, 2021; O-2122-25 -- February 18, 2022; O-2223-1 -- September 23, 2022)

1. Statutory Authorization, Description and Purpose. The Legislature of the State of Oklahoma has in the Oklahoma Floodplain Management Act, Sections 1601 through 1620.1 of Title 82 of the Oklahoma Statutes, delegated the responsibility, and authorized local governments, to adopt and enforce regulations designed to minimize flood losses within the Flood Hazard District. The Flood Hazard District includes special flood hazard areas which are subject to periodic or occasional flooding during a one percent chance flood, and for which special regulations are applied in addition to or in combination with other zoning regulations applying to these areas to guide the type and manner of floodplain use so that it is consistent with the land use needs of the City of Norman. The City of Norman thus declares that it is the purpose of this Flood Hazard District to exercise this delegated authority, to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
- (7) Control in special flood hazard areas, uses such as fill dumping, storage of materials, structures, buildings and any other works which, acting alone or in combination with other existing or future uses, would cause damaging flood heights or erosive velocities by obstructing flows and reducing floodplain storage;
- (8) Insure that potential buyers are notified that property is in a flood-prone area;
- (9) Meet the needs of the streams to carry flood waters and protect the creek channels and floodplains from encroachment so that flood heights and flood damage will not be increased;
- (10) Enhance existing protections for residents, structures, and public facilities from flood damage;
- (11) Preserve floodplain areas for their open space and natural habitat values; and,
- (12) Establish provisions and procedures that will provide additional protections for floodplain areas with no net loss of allowable density on affected lots and parcels.

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;

- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (6) Require the transfer of structures and buildings from portions of the lot in the floodplain to upland areas out of the floodplain;
- (7) Seek ways to reduce loss of natural floodplain areas and enhance natural and beneficial functions of floodplains in areas facing development.

To secure this protection from flooding, the objectives of this section are to assure the retention of sufficient floodway area to convey flood flows; to designate a minimum flood protection elevation; to reduce the height and violence of floods insofar as such are increased by any artificial obstruction; and to assure the proper floodproofing of structures subject to flooding. The purpose of the Flood Hazard District is to provide that designated special flood hazard areas are developed only in the interest of the community's general health, safety, and welfare. The Flood Hazard District is not for the purpose of encouraging development in areas of special flood hazard.

To further the interest of the community's general health, safety and welfare, any violation of this section shall be deemed to constitute a public nuisance.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposed the more stringent restrictions shall prevail.

**2. Definitions.** As used in this chapter, unless the context otherwise requires, the following words or phrases have the meaning listed:

- (a) 100-Year Flood -- See One Percent Chance Flood
- (b) 100-Year Floodplain -- The land area that is inundated by floodwaters during a 100-Year Flood. See special flood hazard area.
- (c) Accessory Structure -- (see Appurtenant Structure)
- (d) Appeal -- A request for a review of the Floodplain Permit Committee's interpretation of any provision of Section 429.1 FH, Flood Hazard District.
- (e) Appurtenant Structure -- A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- (f) Area of Shallow Flooding -- A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (g) Base Flood -- See One Percent Chance Flood.

- (h) Base Flood Elevation (BFE) – The elevation in feet above mean sea level of the one percent (1%) chance flood or sometimes referred to as the 100 year flood, the regulatory flood or the base flood.
- (i) Base Level Engineering (BLE) -- An automated riverine hydrologic and hydraulic modeling approach that builds on lessons learned to produce a base line understanding of flood risk to communities, produced to support the assessment and maintenance of the national flood hazard inventory. (O-2021-10)
- (j) Basement -- Any area of the building having its floor subgrade (below ground level) on all sides.
- (k) Building Envelope -- An area of land within a buildable parcel or lot within which all site structures, buildings, other hardscape elements, and on-site waste disposal systems shall be contained, except driveways. The building envelope also includes any building overhangs, eaves, protruding architectural features (e.g., chimneys), and similar elements. Gardens and landscaping may be located outside building envelopes. Staff shall have discretion as to whether to include lateral lines associated with on-site septic systems within the building envelope depending on site topography.
- (l) Breakaway Fence – A fence that is designed to allow the passage of water and debris without impeding the flow. The panels or components shall be hinged or attached by other approved means to the fence rails and/or posts to prevent the panels or components from coming apart and becoming flood water debris. (O-0809-3)
- (m) Building Construction – The erection, construction, or alteration of (a) building(s); or the erection or construction of any additions to existing buildings where outer walls are added or altered as to location, but not including alterations or remodeling of buildings where said outer walls are not added or altered as to location. (O-0809-3)
- (n) Channel -- The geographical area within the natural or artificial banks of a watercourse having a drainage area of forty acres or more which is required to convey continuously or intermittently flowing water.
- (o) Compensatory Storage -- Stormwater storage that is built to replace storage volume that is lost due to development encroaching into the floodplain.
- (p) Development -- Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, or storage of equipment or materials.
- (q) Dike -- A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding. (See Levee)
- (r) Elevation -- The height above mean sea level based on the North American Vertical Datum of 1988 (NAVD 88) (See also Water Surface Elevation).
- (s) Environmentally Sensitive Areas -- Portions of a parcel that contain high-value wetlands, wildlife habitat, or other natural resources identified on applicable local, state, and federal maps or surveys.

- (t) Existing manufactured home park or subdivision -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (u) Expansion to an existing manufactured home park or subdivision -- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (v) Flow Line -- The lowest point of a channel cross section. When the point for multiple cross sections are plotted on a map they appear as a line depicting where the deepest part of the stream is located.
- (w) Fill -- Any natural or manmade material originating from offsite and/or onsite that is placed on the ground as a permanent alteration of the surface of the floodplain.
- (x) Five Hundred Year Flood -- The flood having a (0.2%) two tenths of one percent chance of being equaled or exceeded in any given year.
- (y) Flood or Flooding -- A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. the overflow of inland waters.
  2. the unusual and rapid accumulation or runoff of surface waters from any natural source.
- (z) Flood Insurance Rate Map (FIRM) -- An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard areas and the risk premium zones applicable to the community.
- (aa) Flood Insurance Study -- The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.
- (bb) Floodproofing -- Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (cc) Flood Protection System -- Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

- (dd) Flood Protection Elevation -- The elevation to which buildings and other uses regulated by this ordinance are required to be elevated or flood proofed, including free board.
- (ee) Floodplain Administrator – A person accredited by the Oklahoma Water Resources Board and designated by a floodplain board, to administer and implement laws and regulations relating to the management of the floodplains.
- (ff) Floodplain or Flood-Prone Areas -- Any land area susceptible to being inundated by water from any natural source (see flooding).
- (gg) Floodplain Management -- The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
- (hh) Floodplain Management Regulations -- Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (ii) Floodway (Regulatory Floodway) -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (jj) Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
- (kk) Highest Adjacent Grade -- The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (ll) Historic Structure - Any structure that is:
  - (a) Listed individually in the National Register of Historic Places in Oklahoma maintained by the Oklahoma Historical Society or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;
    - (1) By an approved state program as determined by the Secretary of the Interior, or;
    - (2) Directly by the Secretary of the Interior in states without approved programs.
- (mm) Levee -- A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from flooding (See Dike).
- (nn) Locate -- To construct, place, insert or excavate.
- (oo) Lowest Floor -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.
- (pp) Manufactured Home -- A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days unless its meets the definition of a recreational vehicle. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (O-2021-10)
- (qq) Manufactured Home Park or Subdivision -- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (rr) Maximum Extent Feasible -- No prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account, but shall not be the overriding factor in determining "maximum extent feasible."
- (ss) Mean Sea Level -- For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (tt) New Construction -- For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

- (uu) Nonconforming Structure -- Any legally existing building which fails to comply with the provisions of this ordinance.
- (vv) New Manufactured Home Park or Subdivision -- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (ww) Obstruction -- An artificial obstruction, such as any dam, wall, wharf, embankment, levee, dike, pike, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter in, along, across, or projecting into any floodway which may impede, retard, change the direction of the flow of water, or increase the flooding height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
- (xx) One Percent Chance Flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (same as 100 Year Flood, Base Flood and Regulatory Flood)
- (yy) Regulatory Flood – See One Percent Chance Flood.
- (zz) Regulatory Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (aaa) Recreational Vehicle – A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. (O-0809-3)
- (bbb) Special Flood Hazard Area – The area of land that is subject to flooding from a one percent (1%) chance. Sometimes known as the 100 year floodplain, the regulatory floodplain.. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, or A1-99.

- (ccc) Start of Construction -- The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (ddd) Stream Bank -- The point where the incised bed of a stream intersects the adjacent plain.
- (eee) Structure -- A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as, a manufactured home.
- (fff) Substantial Damage -- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (ggg) Substantial Improvement -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (hhh) Variance -- Grant of relief by a community from the terms of a floodplain management regulation.
- (iii) Violation -- The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(10), or (d)(3), of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided. (O-0809-3)
- (jjj) Water Surface Elevation -- The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas. (see elevation above)



### 3. Identification, Establishment and Amendment of the District.

- (a) Flood Hazard Lands Governed by this Section: The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Cleveland County, Oklahoma and Incorporated areas" dated January 15, 2021, as may be updated time to time by Letters of Map Change adopted by City Council, with accompanying Flood Insurance Rate Maps (FIRM) are hereby adopted by reference and declared to be a part of this ordinance. This "Flood Insurance Study" with its accompanying FIRM, also known as the Official Flood Hazard District Maps, are hereby adopted by reference and declared to be part of this ordinance and may be amended or revised from time to time by the City Council according to procedures established by FEMA. The Official Flood Hazard District Maps shall be placed on file with the City Clerk and copies shall be maintained in the Planning Department and the Public Works Department for public review. (O-1213-25; O-1617-34; O-1617-38; O-2021-10)
- (b) Establishment of Flood Hazard District as an Overlay: The mapped special flood hazard areas shall be designated as the Flood Hazard District. This district overlays other Zoning districts and the regulations of the Flood Hazard District apply in addition to the district regulations of the underlying district. Whenever a conflict in requirements results, the most stringent requirements shall apply.
- (c) Amendments to the District Boundaries [Letter of Map Revision (LOMR)]: The boundaries of the Flood Hazard District may be amended from time to time when more current or precise technical flood hazard information becomes available and approved by FEMA.

Based upon the technical analysis approved by FEMA the City Council shall formally amend the zoning district boundaries consistent with a letter of map revision from FEMA. (O-1617-34)

- (d) The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On are occasions greater floods can and will occur and flood heights may be increased by man-made or material causes.

This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

#### 4. Flood Hazard District Land Uses.

- (a) Uses Allowed without a Floodplain Permit: The uses listed below having a low flood-damage potential and posing little obstruction to flood flows, if allowed in the underlying district, shall be allowed provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the efficiency or restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system. (O-0809-3; O-2021-10)
  - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  - (2) Private and public recreational uses such as golf courses, bikeways, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;
  - (3) Accessory residential uses such as lawns, gardens and play areas.
- (b) General Standards. In all special flood hazard areas the following provisions are required for all new construction and substantial improvements and a floodplain permit is required: (O-0809-3; O-2021-10)
  - (1) Modification of the floodplain, including, but not limited to, excavating, filling, dredging, channelizing and paving may be permitted under the following circumstances. Any permit granted for the modification of the floodplain hereunder shall be limited to the minimum amount of modification necessary to achieve the permitted outcome. Permits for such modifications shall be required from the Floodplain Permit Committee as outlined in Section 5 herein and may require a Letter of Map Revision (LOMR) from FEMA. An application for a LOMR will be forwarded to FEMA by the Floodplain Administrator upon approval of the Floodplain Permit Committee except as provided in subsection 18 herein.
    - (i) The proposed modification is being done for the purpose of elevating individual residential and non-residential structures, including driveways providing access to those structures; or
    - (ii) The proposed modification is for the purpose of constructing ponds less than five (5) acres associated with farming and ranching activity; or
    - (iii) The proposed modification is part of a river or stream bank stabilization or reinforcement project; or
    - (iv) The proposed modification is required to construct or repair public roads or bridges; or
    - (v) The proposed modification is proposed as part of a redevelopment or reclamation project outlined in Section 4(b)(17) herein. (O-1617-34)
  - (2) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (3) Any new construction or substantial improvement which would individually or when combined with all other existing and anticipated development expose additional upstream, downstream or adjacent properties to adverse flood effects that would otherwise not be exposed to such effects due to the regulatory flood shall not be permitted;
- (4) Any new construction or substantial improvement which would increase velocities or volumes of flood waters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property either upstream or downstream shall not be permitted;
- (5) Compensatory storage must be provided within the general location of any storage that is displaced by fill or other development activity and must serve the equivalent hydrologic function as the portion which is displaced with respect to the area and elevation of the floodplain;
- (6) All new construction, substantial improvements, or other development (including fill) shall not be permitted within the floodplain area, unless it is demonstrated that the effect of the proposed development will not increase the water surface elevation of the base flood by more than .05 feet on any adjacent property;
- (7) Fill shall be protected against erosion and sedimentation by such measures as rip-rap, vegetative cover, bulkheading, or sedimentation basins as approved by the City Engineer;
- (8) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (9) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (10) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. All Public Utilities and facilities shall be constructed so as to minimize flood damage;
- (11) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (12) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters;
- (13) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
- (14) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited except as provided in Section 4(d) herein. (O-0809-3)

- (15) Storage of material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after the issuance of flood warning by The National Weather Service. (O-0809-3)
- (16) Recreational vehicles placed on sites within Zones AE on the community's FIRM either
  - (i) Be on the site for fewer than 180 consecutive days,
  - (ii) Be fully licensed and ready for highway use, or
  - (iii) Meet the permit requirements of (b) (2) of this section and the elevation and anchoring requirements for "manufactured homes" in (c) (1) in this section.
- (17) Redevelopment or Reclamation Projects – Projects that propose to reduce flood hazards through the removal of existing non-compliant development and which provide beneficial improvements to the function of the floodplain, including increased storage capacity, reduced velocities and erosion, restored natural functions of the floodplain, and improved discharge efficiency, through appropriate modifications to the existing character and topography of the floodplain. (O-1617-34)
- (18) The following floodplain modifications approved by the Floodplain Permit Committee shall also require approval by the City Council. A project report and the recommendations of the Floodplain Permit Committee's conditional approval will be provided to City Council at the time of Council's consideration of approval of such a Floodplain Permit. For projects that require platting, this information will be presented at the time Council considers the preliminary plat. For projects that do not require platting, the report will be made to Council prior to issuance of the floodplain permit. (O-1617-34)
  - (i) A modification of the floodplain that results in a change of ten percent (10%) or more in the width of the floodplain.
  - (ii) The construction of a pond with a water surface area of 5 acres or more.
  - (iii) Any modifications of the stream banks or flow line within the area that would be regulatory floodway, unless the work is being done by the City of Norman staff as part of a routine maintenance activity. (O-1617-34)
  - (iv) Any redevelopment or reclamation project, as provided for above in Section 4(b)(17). (O-1617-34)
- (c) Specific Standards that Require Floodplain Permits (A, AE, AH, AO Zones). Uses requiring a floodplain permit involving structures, fill, excavation, mining, or storage of materials or equipment may be permitted only upon issuance of a special permit as provided in the subsection below titled "Floodplain Permit Administration". Floodplain Permit uses shall consist of any of the following uses which are permitted in the underlying district: (O-0809-3; O-2021-10)
  - (1) Residential Structures -- including both "site-built" and "manufactured homes," shall be constructed on fill so that the lowest floor (including basement, ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners, etc.) is at least two (2) feet above the base flood elevation. The fill shall be at a level no lower than one (1) foot above the base flood elevation for the particular area and shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected including any attendant utility and sanitary facilities.

All manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. Manufactured homes are to be placed or substantially improved on a permanent foundation such that the lowest floor (including ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners, etc.) of the manufactured home is elevated at least two (2) feet above the base flood elevation for the particular area in which the home is to be located. In the A-2, Rural Agricultural District, each dwelling unit or manufactured home must be located on a lot containing at least ten (10) acres, or a legal lot filed of record prior to February 25, 1997. In the Ten Mile Flat Conservation Area as described in Section 420.2, for property within the A-2, Rural Agricultural District, as amended, each dwelling unit or manufactured home must be located on a lot containing at least twenty (20) acres, or a legal lot filed of record prior to the effective date of Ordinance O-0405-23, which is December 16, 2004. (O-0809-3)

- (2) A Floodplain Permit may be issued for the reconstruction, rehabilitation or restoration of historic structures.
- (3) Non-residential Construction – new construction and substantial improvement of any commercial, industrial or other non-residential structures shall be constructed on fill as above [Sec. 4(b)(1)] including any attendant utility and sanitary facilities, shall be designed so that the lowest floor (including basement, ductwork, mechanical and electrical equipment including furnaces, water heaters, and air conditioners, etc.) is elevated at least two feet above base flood elevation and the fill shall be at a level no lower than 1 foot above the base flood elevation for the particular area and shall extend at such elevation at least (15) fifteen feet beyond the limits of any structure or building erected thereon. A registered professional engineer shall submit a certification to the Director of Public Works that the standards of this Ordinance, as proposed in Section 5(a)(1- 2), are satisfied. (O-0809-3)
- (4) Agricultural Buildings – new agricultural buildings not intended for human occupancy may be granted a variance by the Floodplain Permit Committee to the requirements of 4 (c) (3) above, requiring fill and a finished floor elevated two feet above base flood elevation, provided that there is no off-site adverse impact on abutting properties, all utility services are flood- proofed, and the requested variance is reasonably related to the principal agricultural use of the property. (O-2021-10)
- (5) Enclosures – New construction and substantial improvements, with fully enclosed areas below the lowest floor that are solely used for parking of vehicles, building access, or storage in an area other than a basement that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - (ii) The bottoms of all openings shall be no higher than one foot above grade;

- (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- (6) Alteration, addition, or repair to a non-conforming structure.
- (7) Extraction of sand, gravel and other materials.
- (8) Stables and riding academies.
- (9) Industrial - commercial uses such as loading areas, parking areas, airport landing strips.
- (10) All new fences or replacement of existing fences in the SFHA require a floodplain permit. Approved fences shall be designed and installed to be breakaway (see def.) or in some other manner so that flows will not be impeded. (O-0809-3; O-2021-10)
- (d) Special Requirements for Drilling Oil and Gas Wells in a Special Flood Hazard Area (SFHA)
  - (i) Base Flood Elevation Determination: For areas designated as zone AE the Flood Insurance Rate Map (FIRM) base flood elevations (BFE) are provided and usually a floodway is mapped. For areas designated as zone A on the FIRM only a floodplain boundary is provided and the applicant must provide a BFE based on an acceptable method of determination.
  - (ii) Floodways: If the drilling site is in the floodway portion of the floodplain, the developer (i.e. petroleum company) will have to demonstrate through an engineering study that there will be no increase in flood stages during the discharge of the one percent chance caused by the development. No reserve pits will be allowed within the floodway, as stated in the City of Norman's Oil and Gas Ordinance O-8283-69. (O-0809-3)
  - (iii) Buildings and other Structures: Any buildings and other structures (including fuel storage tanks) in the floodplain will either have to be elevated to or above the BFE or floodproofed (made watertight) to that elevation. Any electrical and mechanical equipment must be elevated or floodproofed to the BFE. Any storage tanks and any equipment at the site that could be damaged by floodwaters will have to be elevated above the BFE or made watertight and anchored to resist floatation, collapse and lateral movement. A registered engineer will have to certify the design of the floodproofing measures. As this is non-residential construction, the drill site and road to the well does not need to be elevated. The drilling operation shall comply with all other local, state and federal requirements prior to issuance of a floodplain development permit. All new or replacement flowlines, pipelines, etc., that will cross rivers, streams, creeks, and channels, shall be bored to be below the bed. The depth below the bed shall be a minimum of 10 feet. The pipe used for the crossing shall be 1 pipe grade higher, or have a wall thickness twice the thickness of the standard pipe used for the flowline, pipeline, etc. If the flowline, pipeline, etc. becomes exposed, the crossing must be rebored. The ground surface shall not be disturbed within 50 feet of the river, stream, creek, or channel banks. (O-0809-3)

- (e) Prohibited Uses
  - (1) Manufactured Home Parks shall not be constructed in any areas of the Flood Hazard District;
  - (2) Any encroachments, including fill, new construction, substantial improvements, and other development, within any floodway of the designated Flood Hazard District that would result in any increase in flood levels during the occurrence of the 1 percent chance flood are prohibited. (O-0809-3)
- (f) Standards for Subdivision Proposals:
  - (1) All subdivision proposals shall be consistent with Section 4(b) of this ordinance; (O-1617-34)
  - (2) All proposals for the development of subdivisions shall meet all applicable permitting requirements of this ordinance; (O-1617-34)
  - (3) Base flood elevation data shall be generated for any subdivision proposals and other proposed land development activity, if not otherwise provided pursuant to Sections 3 and 4 of this ordinance; (O-1617-34)
  - (4) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; (O-1617-34)
  - (5) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate infiltration or flood damage; (O-1617-34)
  - (6) Whenever possible, a proposed subdivision which contains some land within the floodplain shall be developed using the Planned Unit Development process, so that dwelling units could be located out of the floodplain and such areas left undeveloped or without residential structures.
- (g) Floodways -- Located within special flood hazard areas established in Section 3(a) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (h) Special Floodplain and Building Construction Regulations Applicable to Little River and Its Mapped Tributaries. (O-0809-3)
  - (1) Applicability -- The provisions of this Section 429.1.4(h) shall apply to all construction on all properties located within the floodplain of the Little River and its tributaries within the boundaries of the City of Norman as depicted on FEMA Map Panels 40027C0170J (1/15/21), 40027C0190K (1/15/21), 40027C0191J (2/20/13), 40027C0195J (2/20/13), 40027C0210H (9/26/08), 40027C0215H (9/26/08), 40027C0220H (9/26/08), 40027C0230H (9/26/08), 40027C0240H (9/26/08), 40027C0245H (9/26/08), 40027C0260J (1/15/21), 40027C0280J (1/15/21), 40027C0285H (9/26/08), 40027C0290H (9/26/08), 40027C0305H (9/26/08), 40027C0310H (9/26/08), 40027C0315H (9/26/08), 40027C0320H (9/26/08), 40027C0330H (9/26/08), 40027C0335H (9/26/08), 40027C0340H (9/26/08), and 40027C0345H (9/26/08), and shall supersede any conflicting regulations contained in Section 429.1 -- FH, Flood Hazard District. (O-1213-25; O-2021-10)

- (2) **Building Construction Within Floodplain Prohibited** -- No building construction shall be allowed within the floodplain of the Little River and its tributaries except as provided in this Section 429.1.4(h). (O-0809-3)
- (3) **Parcels And Lots Located Partially Within The Floodplain-Transfer Of Permitted Development Density** -- Any development resulting in the construction of buildings or other structures on a parcel partially located in the floodplain, shall be located wholly in upland areas of the parcel outside the floodplain. This procedure will not result in a change to the density permitted in underlying zoning district. Examples A and B of this procedure are located in the appendix at the end of Section 429.1.
- (4) **Reduction In Minimum Lot Size** -- To accommodate transfers of permissible residential density as provided above, the minimum lot size in land zoned A-2, Rural Agricultural District, subject to this Section 429.1.4(h) may be reduced from ten acres to a minimum of two acres. The process that allows this transfer is through the Norman Rural Certificate of Survey to ensure that proper restrictions are put in place at the time of development.
- (5) **Lot Configuration and Building Envelopes** -- To the maximum extent feasible, lots subject to this Section 429.1.4(h) shall be configured so that they lie entirely out of the floodplain with any remainder parcel being preserved as provided in Section 429.1.4(h)(7) below. As an alternative, lots may be configured so that portions are located within the floodplain. However, building envelopes of such lots shall be delineated to lie to the maximum extent feasible outside the floodplain. All building permits with building envelopes partially within the floodplain shall be subject to approval of the Floodplain Permit Committee in keeping with the purpose of this Section 429.1.4(h). If no other option for access is practicable, driveways may be located within the floodplain. (O-2021-10)
- (6) **Exception for Parcels and Lots Located Entirely Within The Floodplain And/Or Lacking Sufficient Upland Building Area** - For any legal parcel or lot existing as of the date of this amendment (November 16, 2004) that is located entirely within the floodplain and/or lacks sufficient upland building area to transfer allowable density as required by this Section, development may be allowed in the floodplain subject to the following requirements:
  - (a) Residential structures shall be constructed on fill so that the lowest floor (including the basement) is at least two (2) feet above the base flood elevation. The fill shall be at a level no lower than one (1) foot above the base flood elevation for the particular area and shall extend at such elevation at least fifteen (15) feet, beyond the limits of any structure or building erected thereon;
  - (b) The area required for any building envelope for permissible principal and accessory buildings and on-site waste disposal systems shall be minimized to the maximum extent feasible and shall be located as far as possible from the Little River or tributary channel and environmentally sensitive areas on the lot. All building envelopes and the location and extent of on-



site waste disposal systems shall be subject to approval of the Floodplain Permit Committee in keeping with the purposes of this Section 429.1.4(h).

- (7) Floodplain Land Conservation -- Any portion of a parcel or lot located in a floodplain and not part of an approved building envelope shall be permanently protected from development as private or public open space through a mechanism acceptable to and approved by the City of Norman. Such mechanism may include, but is not limited to a conservation easement, permanent deed restriction, or transfer to a non-profit conservation organization or government entity.

#### 5. Floodplain Permit Administration.

The Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. Floodplain Permits are required for uses which must receive special attention to prevent obstruction of floodways, threats to other lands from floating debris, and substantial damage to the uses themselves.

Uses listed above requiring a Floodplain Permit may be allowed only upon issuance of a special permit by a super majority vote of five (5) or more of the Floodplain Permit Committee composed of the Director of Planning and Community Development, the Director of Public Works, City Engineer, the Subdivision Development Manager, the Planning Services Manager, and two citizens appointed by the Mayor with advice and consent of the Council. The citizen members of the Floodplain Permit Committee shall serve staggered three (3) year terms. All members shall have successfully completed the basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education, and at least one member shall be a Certified Floodplain Manager. The floodplain Permit Committee shall meet on an as-needed basis the first and third Monday of each month and shall post public notice accordingly. Floodplain Permit application forms shall be furnished by the Department of Public Works. Upon receiving an application for the special permit involving the use of fill, construction of structures, or storage of materials, the Committee shall, prior to rendering a decision thereon, obtain and study essential information and request technical advice as appropriate. Such information and technical advice becomes a part of the application and is retained with the application. (O-8081-25; O-0203-52; O-0607-55; O-2021-10).

- (a) The Committee may require the applicant to furnish any or all of the following information as it deems necessary for determining the suitability of the particular site for the proposed use, and the information becomes a part of the application and is retained with the application:
  - (1) The following information will be required on every application submitted to the Floodplain Permit Committee
    - (i) Plans drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood-protection elevation. (O-2021-10)
    - (ii) A typical cross-section or more if required by the Floodplain Permit Committee showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high-water information.

- (iii) Plans (plan view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
  - (iv) A profile showing the slope of the bottom of the channel or flow line of the stream.
  - (v) Elevation (in relation to mean sea level) of the floodplain and lowest floor (including basement) of all new construction and substantially improved structures.
  - (vi) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - (vii) A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached. A certified list of names and addresses of all record property owners within a three hundred fifty (350) foot radius of the exterior boundary of the subject property not to exceed 100 feet laterally from the Special Flood Hazard Area. The radius to be extended by increments of one hundred (100) linear feet until the list of property owners includes not less than fifteen (15) individual property owners of separate parcels or until a maximum radius of one thousand (1,000) feet has been reached. Public notification shall be provided in writing prior to the date of the Floodplain Permit Committee meeting to review the application and shall include the date, time and place of the meeting.
  - (viii) For proposed development within any flood hazard area (except for those areas designated as regulatory floodways), certification that a rise of no more than five hundredths of a foot (0.05') will occur on any adjacent property in the base flood elevation as a result of the proposed work. For proposed development within a designated regulatory floodway, certification of no increase in flood levels within the community during the occurrence of the base flood discharge as a result of the proposed work. All certifications shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Oklahoma.
- (2) The following information may be required by the Floodplain Permit Committee if the committee believes that the information will improve the quality of the decision for the application.
- (i) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.
  - (ii) Such other pertinent information as may be required to analyze the specific situation.

- (iii) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.
  - (iv) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of this ordinance.
- (b) The Floodplain Permit Committee may transmit one copy of the information described in subsection (1) to a designated independent engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use; the adequacy of the plans for protection; and other technical matters, with any attendant costs to be assumed by the applicant. Based upon review of the technical information available, the Committee shall determine the specific flood hazard at the site, evaluate the suitability of the proposed use in relation to the flood hazard, and issue the requested Floodplain Permit or advise the applicant that his request was not approved. The Floodplain Permit Committee shall also be responsible for the following:
  - (1) Where interpretation is needed as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Permit Committee shall make the necessary interpretation.
  - (2) The Floodplain Permit Committee shall assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - (3) In A Zones, in the absence of FEMA BFE data and floodway data, the Floodplain Permit Committee shall obtain, review, and reasonably utilize other BFE, BLE, and floodway data as a basis for elevating residential structures above the base flood level, and for flood-proofing or elevating non-residential structures above the base flood level. (O-2021-10)
  - (4) Where BFE data are utilized in Zone A, obtain and maintain records of the lowest floor and floodproofing elevations for new and substantially improved construction.
  - (5) When a regulatory floodway has not been designated, the Floodplain Permit Committee shall not permit any new construction, substantial improvements, or other development (including fill) within Zones A, A1-30 and AE on the community's FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than five hundredths of a foot (0.05') on any adjacent property.
- (c) Approval or Denial of a Floodplain Permit request, as required by Subsection 5(a) and (b) above, by the Floodplain Permit Committee shall be based on all of the provisions of this ordinance and the following relevant factors:
  - (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;

- (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (10) The relationship of the proposed use to the City of Norman's adopted LAND USE PLAN for that area.
- (d) Conditions Attached to Floodplain Permits: Upon consideration of the factors of the specific Floodplain Permit use and the purposes of this ordinance, the Floodplain Permit Committee may attach such conditions to the granting of such permits as it deems necessary to further the purposes of this ordinance. Among such conditions without limitation because of specific enumeration may be included:
- (1) Modification of waste disposal and water supply facilities.
  - (2) Limitations on periods of use and operation.
  - (3) Imposition of operational controls, sureties, and deed restrictions.
  - (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures.
  - (5) Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the base flood. The following floodproofing measures, among others, may be required:
    - (i) Anchorage to resist flotation and lateral movement;
    - (ii) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction;
    - (iii) Reinforcement of walls to resist water pressures;
    - (iv) Use of paints, membranes, or mortars to reduce seepage of water through walls;
    - (v) Addition of mass or weight to structures to resist flotation;
    - (vi) Installation of pumps to lower water levels in structures;
    - (vii) Construction of water supply and waste-treatment systems so as to prevent the entrance of flood waters;
    - (viii) Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures;
    - (ix) Construction to resist rupture or collapse caused by water pressure or floating debris;

- (x) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices;
  - (xi) Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood;
  - (xii) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the base flood elevation or are adequately floodproofed to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials into flood waters.
- (6) Requirements for reclamation actions following extraction operations.
- (7) All floodplain permits shall expire two years after approval by the Floodplain Permit Committee. (O-0203-52)
- (e) Appeals from any decision of the Floodplain Permit Committee may be taken by any person or persons, jointly or severally, aggrieved by any decision of the Committee, to the Board of Adjustment. The Board of Adjustment shall consider the appeal at a regular or special meeting as soon as practicable and make its decision on the suitability of the proposed use in relation to the flood hazard. Any person or persons aggrieved by the decision of the Board of Adjustment may appeal such decision to a court of competent jurisdiction. At least two members of the Board of Adjustment shall have successfully completed the (8) eight hour basic floodplain training offered by the Oklahoma Water Resource Board or equivalent training or education.
- (f) Variances: After proper application, a Variance may be granted by the Board of Adjustment:
  - (1) New construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the relevant factors in Subsection (c) above of this Ordinance have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the Variance increases.
  - (2) Reconstruction, rehabilitation, repair, or restoration of historic structures upon the determination that the proposed work shall not preclude the structure's continued designation as a historic structure and the exception is the minimum necessary to preserve the historic character and design of the structure.
  - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

- (4) Prerequisites for granting variances:
  - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (b) Variances shall only be issued upon:
    - (1) Showing a good and sufficient cause;
    - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (c) Any applicant that is issued a variance shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation below the base flood elevation.
- (g) Implementation: The Director of Public Works will administer and implement the provisions of this article and will:
  - (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance, and shall report any actions involving appeals, Floodplain Permit Committee decisions, or other activities covered by this ordinance to the Federal Emergency Management Agency upon request.
  - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or Local governmental agencies from which prior approval is required.
  - (3) Cause all construction activity permitted under the provisions of this code to be inspected for compliance with the provisions of this code and the design as approved.
  - (4) Notify adjacent property owners and the Oklahoma Water Resources Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(h) Special Floodplain and Development Regulations Applicable to Little River and Its Mapped Tributaries.

(1) Parcels and Lots Located Partially Within The Floodplain-Transfer of Permitted Development Density.

*Example A: Smith owns a ten-acre lot adjacent to the Little River. The underlying A-2, Rural Agricultural zoning allows 1 unit/10 acres. Seven acres of the parcel lie in the floodplain, and 3 acres on an upland portion outside the mapped floodplain. Smith would still be allowed to build on the lot, but it would have to be sited on the 3 acres outside the floodplain. Any septic system would also be located outside the floodplain to the maximum extent feasible.*

*Example B: Farmer Brown owns a 40-acre parcel that could be divided into four ten-acre building sites under the applicable A-2 zoning. 30 acres of the parcel are located in the floodplain, and 10 acres are outside. To subdivide the parcel, Brown would be required to cluster the building site (to a maximum of 4 lots) on the 10 acres outside the floodplain. Each of the lots could be reduced in size to 2 acres as provided below. As an alternative, up to four ten-acre lots could be created, all having some portion in the floodplain. However, Brown would work with staff to identify building envelopes located outside the floodplain within each lot.*

6. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

7. Interpretation. In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

8. Boundary Interpretation. Where the district boundaries are indicated by elevation; the elevation at a particular point shall be determined and that point shall be the district boundary. The exact boundary of the floodplain shall be determined by elevation.

9. Enforcement of Violations. The Planning and Community Development Department is authorized to issue citations as set forth below:

- (a) Each day during which a violation exists shall constitute a separate offense.
- (b) For each offense cited, a penalty of not less than \$50.00 nor more than \$750.00 shall be assessed to
  - (1) the owner(s) of record and/or
  - (2) any person employed in connection therewith and who may have assisted in the commission of such violation.

In addition to the penalties provided in Section 1-18 of the Municipal Code, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this article or to correct the violations thereof. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited buildings, structures, obstructions, or improvements, nor prevent the enforcement, correction, or removal thereof.

The legally recorded owner of any property located in a special flood hazard area onto which fill material of any nature has been applied, with or without his knowledge and in violation of the provisions of this article, shall immediately and at his expense remove all such material upon written request to do so by the Director of Public Works. Upon failure of the property owner to complete this work in a timely manner, the City Council may order the work to be completed and expenses charged to the property owner or levied against the property.

Any and all apprehended persons depositing fill material of any nature in violation of this Article shall be prosecuted to the fullest extent of the law.

10. Restriction of Wastewater Treatment Facility Service Area.

- (a) There shall be no new development permitted within the special flood hazard, as defined on the latest publication of the National Flood Insurance Program's "Flood Insurance Rate Map", which would generate wastewater to be transported to the City of Norman Wastewater Treatment Facilities. This restriction does not apply to any development, which in the opinion of the Floodplain Permit Committee by its nature must be located on or adjacent to water.
- (b) A "Waiver of Service Area Restrictions" may be considered by the Floodplain Permit Committee upon written request by the applicant. Upon review of the request to waive the service area restriction, the Floodplain Permit Committee may submit, if it concurs with the waiver request, a formal application for a waiver to the Regional EPA Administrator. The Regional Administrator, after considering the Floodplain Permit Committee's application and all other relevant information on a proposed development's effects on the natural functions and values of the affected floodplain, may waive the service area restriction in individual cases.

11. Emergency Authority. The Floodplain Administrator shall have the emergency authority during times of flooding to approve any temporary measure that he or she, in his or her sole professional judgment, determines is necessary to protect life, property and/or the community from the eminent threat of any associated flood hazards. Upon cessation of the flooding event and at the earliest possible time, any approved temporary measure meeting the definition of the floodplain development and subject to this ordinance shall be removed or shall be subject to review by the Floodplain Permit Committee under the requirement of this ordinance for approval or disapproval as a permanent floodplain development. (O-0809-3)